

REMARKS

This responds to the Office Action mailed on May 3, 2008.

Claims 1, 3, 11 and 13 are amended, claims 2, 4-6, 10 and 12 are canceled. Claims 14-17 are new. Claims 1, 3, 7-9, 11 and 13-17 are pending in this application.

The Applicants have amended the claims of the pending application to expedite allowance of this application. The Applicants reserve the right to pursue further claims sets in one or more continuing applications.

§102 Rejection of the Claims

Claim 1 was rejected under 35 U.S.C. § 102(e) for anticipation by Ishibashi et al. (U.S. 7,353,541). The Applicants have reviewed Ishibashi and respectfully submit that amended claim 1 overcomes the Office Action's § 102 rejection.

The Federal Circuit has held that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.²

For the reasons described below, Ishibashi fails to disclose each element of amended claim 1.

Amended claim 1 includes the following limitations:

recording user profile information for the user, the user profile information associated with at least one of browsing behavior of the user and a multimedia interest of the user.

The Office Action rejected previously presented claim 1 citing Ishibashi. In general Ishibashi purports to disclose a content distribution system in which content is distributed from a content provider to a content user (Ishibashi, column 17, lines 19-29).

²In re Dillon 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

Specifically, the Office Action alleges that Ishibashi describes “recording user profile information” at column 23, line 62 to column 24, line 3 with “user registration database” and with “register settlement ID and settlement information” (column 57, lines 54-61).

The cited portions of Ishibashi include the following:

Here, the registration information will be described with reference to FIG. 8. Registration information of FIG. 8 is added a settlement ID and a signature in addition to information in the user registration database. (Column 23, lines 62-68).

FIG. 7 is a skeleton diagram showing data contents of a user registration database.

GROUP ID	ID	CONNECTION WITH A SERVICE CENTER	SETTLEMENT PROCESSING	PURCHASE PROCESSING	PROXY SETTLER	PROXY PURCHASER	REGISTRAT
GpID1	ID1	POSSIBLE	POSSIBLE	POSSIBLE	—	—	POSSIBL
	ID2	POSSIBLE	IMPOSSIBLE	POSSIBLE	ID1	—	POSSIBL
	ID3	POSSIBLE	IMPOSSIBLE	POSSIBLE	ID1	—	IMPOSSIB
	ID4	IMPOSSIBLE	IMPOSSIBLE	IMPOSSIBLE	—	ID1	POSSIBL
	ID5	IMPOSSIBLE	IMPOSSIBLE	IMPOSSIBLE	—	ID2	IMPOSSIB
GpID2	ID6	POSSIBLE	POSSIBLE	POSSIBLE	—	—	IMPOSSIB
	ID7	POSSIBLE	IMPOSSIBLE	POSSIBLE	ID6	—	IMPOSSIB
	ID8	POSSIBLE	IMPOSSIBLE	POSSIBLE	ID6	—	POSSIBL
	ID9	IMPOSSIBLE	IMPOSSIBLE	IMPOSSIBLE	—	ID6, 7, 8	IMPOSSIB
	ID10	IMPOSSIBLE	IMPOSSIBLE	IMPOSSIBLE	—	ID6, 7, 8	POSSIBL
GpID3	ID11	POSSIBLE	POSSIBLE	POSSIBLE	—	—	IMPOSSIB
	ID12	POSSIBLE	IMPOSSIBLE	POSSIBLE	ID11	—	IMPOSSIB
	ID13	POSSIBLE	IMPOSSIBLE	POSSIBLE	ID11	—	POSSIBL
	ID14	IMPOSSIBLE	IMPOSSIBLE	IMPOSSIBLE	—	ID11, 12, 13	IMPOSSIB
	ID15	IMPOSSIBLE	IMPOSSIBLE	IMPOSSIBLE	—	ID11	POSSIBL

FIG. 7 shows “a registration state for each network group established in the user home network 5 , and a group ID indicating a group, an ID peculiar to an apparatus forming the home network 5 , and information corresponding to the ID such as whether or not connection is possible with the electronic distribution service center 1, whether or not settlement processing is possible, whether or not contents can be purchased, which apparatus performs the settlement

processing, which apparatus requests purchase of the contents, whether or not registration is possible, or the like are recorded in each group. (Ishibashi, column 21, lines 38-49).

As can be seen above, the “registration state for each network group” is not described as including “*user profile information associated with at least one of browsing behavior of the user and a multimedia interest of the user*” of amended claim 1. Significantly, the “user registration database” merely includes indications of whether certain system operations are possible or not and indications of apparatus within in the group that will perform various operations. Accordingly, user registration database does not disclose what amended claim 1 requires.

The cited portions of Ishibashi further include the following:

The user management section 18 of the electronic distribution service center 1... registers the settlement ID and settlement information... in the settlement information database that stores and apparatus ID, a settlement ID, settlement information (an account number, a credit card number or the like), transaction suspension information, and the like... (Ishibashi, column 57, lines 51-61).

The Applicants respectfully submit that contents of the “settlement information database” are not the same as “*user profile information associated with at least one of browsing behavior of the user and a multimedia interest of the user*” because none of the “settlement information” (i.e. account number, credit card number) or any of the other information (i.e. transaction suspension information and various IDs) disclosed by Ishibashi as being stored in the settlement information database constitute either “browsing behavior” or “a multimedia interest.” of a user.

Thus, the Applicants respectfully submit that the cited portions of Ishibashi fail to disclose each and every feature of amended claim 1, as required in an anticipation rejection. Accordingly, the Applicants respectfully request that the rejection be withdrawn.

§103 Rejection of the Claims

Claims 3, 7, 9, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kutaragi et al. (U.S. 7,275,261) in view of Levy, (U.S. Publication 2002/0052885) and in further view of Ishibashi. The Applicants have reviewed the cited references and respectfully submit that the § 103 rejection has been issued in error.

The applicable law recites that obviousness is a question of law based on underlying factual inquiries. The factual inquiries enunciated by the Supreme Court are: determining the scope and content of the prior art; resolving the level of ordinary skill in the pertinent art; and ascertaining the differences between the claimed invention and the prior art.³

The Federal Circuit has stated that “[r]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”⁴

The Applicants respectfully submit that the Office Action’s § 103 rejection applied to amended claim 3 results in an erroneous conclusion of obviousness. Claim 3 is used representatively to explain the reasons claims 3 and 13 overcome the § 103 rejection.

The limitations of amended claim 3 include the following:

*user profile information associated with at least one of
browsing behavior of the user and a multimedia interest of the
user.*

Amended claim 3 includes limitations from Original claim 11. The Office Action alleges that Kutugari teaches the limitations of claim 11 when a user in Kutugari “inputs registration information to the server” (Office Action, paragraph 25).

The cited portions of Kutugari includes the following:

³ Graham v. John Deere Co., 383 U.S. 1 (1966)

⁴ In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)

The user who is going to enjoy a benefit gained by utilization of contents takes the procedures of a member registration through the monitoring server 30. On the member registration, the user inputs user's name, street address, contact address, and a serial number of the user terminal in use.

The Applicants respectfully submit that the registration information such as name, address and device serial number is clearly not the same as “user profile information associated with at least one of browsing behavior of the user and a multimedia interest of the user. Specifically, names, addresses and/or serial numbers are not used to describe browsing behavior and/or a multimedia interest.

For the reasons explained above, Ishibashi fails to disclose the subject limitations and the Office Action does not allege that Levy discloses the limitations missing from Kutugari and Ishibashi. Thus the §103 rejection is not supported by “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

Accordingly, the Applicants respectfully submit that Kutugari, Ishibashi, Levy and/or their combination fails to describe what amended claim 3 requires. Thus, amended claims 3 and 13 overcome that Office Action’s § 103 rejection. Claims 7, 8, 9 and 11 are dependent on amended claim 3 and overcome the § 103 rejection for at least the same reasons.

New Claims

Claim 14-17 are new. The Applicants respectfully submit that claims 14, 15, 16, and 17 are substantially similar to claims 3 (amended), 7, 8 and 9 respectively. It is further respectfully submitted that new claims 14-17 are allowable at for the reasons explained above with respect to claims 3, 7, 8 and 9.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 7/23/2008

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23 day of July 2008.

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